IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30138 of 2007(K)

PETITIONER:

M.J.GEORGE, MARIYIL HOUSE,
AYYAMPUZHA, ANGAMALY.

BY ADV. SRI.V.V.ASOKAN
SMT.S.LAKSHMY

RESPONDENT:

INTELLIGENCE INSPECTOR,
SQUAD NO.V, COMMERCIAL TAXES,
MATTANCHERY.

BY GOVT. PLEADER MRL. K.P. PRADEEP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 30138 OF 2007 K
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Dated this the 11th day of October, 2007

J U D G M E N T

The timber transported from forest depot to Muvattupuzha was detained by the respondents and Ext.P3 notice has been issued. It is at that stage this writ petition has been filed.

2. On instructions, learned Government pleader submits that the vehicle was not accompanied by documents such as invoice or delivery note and therefore there was reasonable suspicion for attempt to evade tax.

3. Learned counsel for the writ petitioner makes reference to Exhibits P1 and P2 and contend that the documents were in fact available. I decline to enter into the merits of the controversy atleast at this stage. In my view those are matters for an enquiry to be conducted by the authorities. At this stage, I am only concerned with whether the goods will be continued to be allowed to be under detention any further.

4. In the facts of this case, I am inclined to pass order

directing that the goods under detention and vehicle should be released to the petitioner on the petitioner depositing 50% of the amount mentioned in Ext.P3 and furnishing simple bond without sureties for the balance amount. Thereafter it is for the officer concerned to adjudicate the matter and the parties will be guided by the orders to be passed.

Writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp